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Kelley, William D.

Speech in the Northrop-
Kelley debate.



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Speech of Hon. William D. Kelley in the Northrop-Kelley Debate.

DELIVERED IN THE HALL OF THE SPRING GARDEN INSTITUTE, ON
THURSDAY EVENING, SEPTEMBER 29, 1864.

PHONOGRAPHIC REPORT BY D. WOLFE BROWN.

MY FELLOW-CITIZENS: I think that the course which this discussion has thus far taken has been very judicious; that it is much better that, before entering into the minutiae of the discussion, the matters merely personal, we should have examined broadly the history of parties as they have been connected with this rebellion, and settle clearly what has been the course of the leaders of those parties, those whom they have respectively exalted to high and potential stations. I think that we have pretty well determined these questions, as well as the relations that my competitor and myself respectively have borne, now bear, and will in the event of our election bear to the great issues of the day and the great interests of the American people. You understand now that I am for the war; that I regard it as the only way to enduring peace; that I will support it by every word that I may utter and every vote I may give; that I will not consent to its suspension until those who have arrayed themselves in arms against your Government, your rights, and your interests have all laid down their arms and acknowledged the supremacy of the Constitution of our country throughout its broad limits. You have also learned that my distinguished competitor is the apologist for the rebellion; that he finds in the fact that the people of New England will think and will utter their thoughts a justification of the rebellion on the part of the Southern people; that he believes that the war has been conducted unconstitutionally, and ought to be arrested, so as to give the rebels time to consider whether they will now lay down their arms. He believes that the Government has not acted wisely in international affairs, and condemns its course in regard to the Monroe doctrine, about which it has not acted at all, and the Trent case.

His argument touching the Trent affair did not strike me as possessing the same originality with which it may have struck you. I had heard it before. I had the honor of replying to it on the floor of Congress, on the 7th of January, 1862, when it was uttered by the gentleman's great prototype, Clement L. Vallandigham, of Ohio. He, too, thought that we ought to have gone to war with England about the Trent case. He, too, taunted the supporters of the Administration with the fact that Congress had adopted a resolution of thanks to Commodore Wilkes, and that the Secretary of the Navy had written him a letter of qualified commendation, and yet that the prisoners whom he had arrested had been surrendered. I have no doubt that my friend put his argument as powerfully as Vallandigham did, but, as I say, it did not impress me so much, because it was not so novel as when I heard it from the lips of that eminent McClellan Democrat. I have here a copy of the brief speech which I made on that occasion, the first of my Congressional efforts, and I propose to answer my friend as I answered his friend Mr. Vallandigham. On the 7th of January, 1862, I said:—

"I voted in common with the whole House for the thanks to Captain Wilkes. I know that since then the four persons he captured have been surrendered, yet I do not regret that vote. It was well cast, and I do not mean to say that the surrender was not well made. Captain Wilkes was an experienced officer of our navy—a service deeply disgraced by a want of devotion to their country on the part of many of its officers. He saw what he believed to be his duty, and he paused not to consider whether it involved personal consequences, but, as he understood it, performed that duty; he performed it in a manner creditable alike to his head and his heart; firmly, thoroughly, but in a manner marked by humanity and consideration for the feelings and interests of innocent passengers on board the Trent and the necessities of an age of steam navigation. Congress, without qualification, indorsed that act. Not so with the Administration." (My friend said that the Administration had approved the act.) "While the Secretary of the Navy approved the act, he admonished the actor that it must not be considered a precedent for the surrender of another vessel under like circumstances. The Administration saw that Captain Wilkes's act of humanity might be taken advantage of by such a power as England, and it marked at once its discriminating appreciation of the conduct of its officer, and of the nation with which it had to do, by the just qualification of its approval. As a member of the American Congress I do, from the bottom of my heart, thank Captain Wilkes for his gallant and humane conduct.

“The gentleman from Ohio [Mr. Vallandigham] seems to be eager for a war with England. Sir, war is as dire a calamity as can befall a people. It is the most expensive game at which kings can play; the most destructive pursuit in which a people can engage. The figure of a candle lighted at both ends affords but an imperfect illustration of the wastefulness of war.”

I closed these remarks on the 7th of January, 1862, when Geo. B. McClellan commanded our army, by saying:—

“I thank the Government that, in the hour of its agony, it stood upon our historical doctrine. I thank it that it honorably avoided war with England; and I pray God that it may so far read the laws of war as to learn that it is the duty of Congress, the Generals at the head of the several columns of the army and the Government of the United States, *to cut off all the resources of the rebels now in arms against us*. It is the first and last law of war. Its thorough enforcement is called for by all the promptings of patriotism and humanity, and promises internal and external peace to our distracted country.”

Now, what was that Trent case? A mail steamer in the British service carried two ministers of a power that had been recognized by England as a belligerent power—the rebels in arms against our government. Commodore Wilkes brought that vessel to; he found that it had a mail and a very large number of passengers hastening on various duties over the ocean. He took from on board the rebel commissioners and their secretaries, and then let the vessel continue its voyage. No good lawyer doubts that, had he detained vessel, passengers and all, his act would have been strictly legal. But from considerations of humanity to the passengers, he permitted the vessel to go its way, taking from it those who were contraband, and whose presence would have justified the seizure and detention of the vessel. By so letting the vessel depart he brought the case within the law of search, against which our war of 1812 had been waged, and did an act in violation of the precedent of American history. Our government knowing that they could not fight the rebellion and England at the same time—knowing that to go to war with England would be to cause the division of our country and establish on our frontier a hostile confederacy, and further, and more important in this connection, that they would be fighting such war with England in the very teeth of the doctrine on which we fought the war of 1812. William H. Seward, Secretary of State, vindicated the traditions of our history by saying that he still stood for the freedom of the seas, and against the right of search, and that Admiral Wilkes had made a mistake, not in arresting the vessel, but in letting it go, and so bringing the case within the condemnation of our own doctrine. Thus the matter was settled.

My friend would, undoubtedly, have rejoiced—peace man as he is, and opposed as he is to the use of bayonets—had we become involved in a war with England, because war with England, whose base of supplies would have been on the Canada side of the lakes, would probably have established the Southern Confederacy, for which he has such acute sympathy. You remember how he has poured out floods of sympathy for the Southern people. How he painted their desolated fields, their roofless homes, and even went so far as to call our army a band of freebooters, and charged them with having stolen the slaves, silver, horses, and other property of those towards whom his sympathies flow so exuberantly. He appealed to us in God's name, to say whether the time had not come when we should pause in our triumphal career, and give them time to think. I shall not answer his appeal, but a greater than I will. Gen. William T. Sherman, who was at the head of a Southern military academy when secession and war were determined upon, and who resigned his position because he owed allegiance to the Constitution and flag of his country, has recently had a correspondence with Gen. Hood, of the Confederate army. Gen. Sherman does not agree with my distinguished competitor that the fact that men of New England will think and will speak their thoughts, was a just cause for this war. In the first letter to which I shall call your attention, he makes this rejoinder to Gen. Hood:—

“In the name of common sense, I ask you not to appeal to a just God in such a sacrilegious manner. You, who in the midst of peace and prosperity, have plunged a nation into war, ‘dark and cruel war’; who dared and badgered us to battle; insulted our flag; seized our arsenals and forts that were left in the honorable custody of a peaceful ordnance sergeant; seized and made prisoners of war the very garrisons sent to protect your people against negroes and Indians; long before any overt act was committed by the (to you) hateful Lincoln Government; tried to force Kentucky and Missouri into rebellion despite of themselves; falsified the vote of Louisiana, turned loose your privateers to plunder unarmed ships, expelled Union families by the thousands, burned their homes, and declared, by an act of your Congress, the confiscation of all debts due to Northern men for goods had and received! Talk this to the marines, but not to me, who have seen these things, and who will this day make as great sacrifice for the peace and honor of the South as the best Southerner among you.”

It appears from this that Gen. Hood hates the “Lincoln Government” almost as badly as my competitor. But finding that Gen. Hood could make no more out of Sherman with his pen than he had with his sword, he sent the Mayor and Councilmen of Atlanta to him, to request him not to send the women, old men, and children out of the city. These rebel functionaries appealed to Sherman, just as my competitor appealed to you last night. They were defending the same bad cause—that of the Southern Confederacy against the North and its people,

and the flag and Constitution of the country. The identical appeals that were made by those Confederate rebels have been made here by my distinguished friend, whose sympathy with them is so unbounded. But let Sherman demonstrate this:—

“HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI, IN THE FIELD, ATLANTA, Sept. 12, 1864.—*James M. Calhoun, Mayor, E. E. Rawson and S. C. Wells, representing City Council of Atlanta.* GENTLEMEN: I have your letter of the 11th. in the nature of a petition to revoke my orders removing all the inhabitants from Atlanta. I have read it carefully, and give full credit to your statements of the distress that will be occasioned by it, and yet shall not revoke my orders, simply because my orders are not designed to meet the humanities of the case, but to prepare for the future struggle in which millions, yea hundreds of millions, of good people outside of Atlanta have a deep interest. We must have peace, not only in Atlanta, but in all America. To secure this we must stop the war that now desolates our once happy and favored country. To stop war we must defeat the rebel armies that are arrayed against the laws and Constitution which all men must respect and obey. To defeat these armies we must prepare the way to reach them in their recesses, provided with the arms and instruments which enable us to accomplish our purpose.

“Now, I know the vindictive nature of our enemy, and that we may have many years of military operations from this quarter, and therefore deem it wise and prudent to prepare in time. The use of Atlanta for warlike purposes is inconsistent with its character as a home for families. There will be no manufactures, commerce, or agriculture here for the maintenance of families, and, sooner or later, want will compel the inhabitants to go. Why not go now, when all the arrangements are completed for the transfer, instead of waiting until the plunging shot of contending armies will renew the scenes of the past month? Of course I do not apprehend any such thing at this moment, but you do not suppose this army will be here till the war is over? I cannot discuss this subject with you fairly, because I cannot impart to you what I propose to do; but I assert that my military plans make it necessary for the inhabitants to go away, and I can only renew my offer of services to make their exodus in any direction as easy and comfortable as possible. You cannot qualify war in harsher terms than I will.

“War is cruelty, and you cannot refine it; and those who brought war on our country deserve all the curses and maledictions a people can pour out. I know I had no hand in making this war, and I know that I will make more sacrifices than any of you to-day to secure peace. But you cannot have peace and a division of our country. If the United States submits to a division now, it will not stop, but will go on till we reap the fate of Mexico, which is eternal war. The United States does and must assert its authority wherever it has power; if it relaxes one bit of pressure, it is gone, and I know that such is not the national feeling. This feeling assumes various shapes, but always comes back to that of Union. Once admit the Union, once more acknowledge the authority of the National Government, and instead of devoting your houses and streets and roads to the dread uses of war, I and this army become at once your protectors and supporters, shielding you from danger, let it come from what quarter it may. I know that a few individuals cannot resist a torrent of error and passion such as has swept the South into rebellion; but you can point out, so that we may know those who desire a Government, and those who insist on war and its desolation.

“You might as well appeal against the thunder-storm as against the terrible hardships of war. They are inevitable, and the only way the people of Atlanta can hope once more to live in peace and quiet at home is to stop this war, which can alone be done by admitting that it began in error, and is perpetuated in pride. We don't want your negroes, or your horses, or your houses, or your land, or anything you have; but we do want and will have a just obedience to the laws of the United States. That we will have; and if it involves the destruction of your improvements, we cannot help it. You have heretofore read public sentiment in your newspapers, that live by falsehood and excitement, and the quicker you seek for truth in other quarters the better for you.

“I repeat, then, that, by the original compact of government, the United States had certain rights in Georgia which have never been relinquished, and never will be; that the South began war by seizing forts, arsenals, mints, custom-houses, etc. etc., long before Mr. Lincoln was installed, and before the South had one jot or tittle of provocation. I, myself, have seen in Missouri, Kentucky, Tennessee, and Mississippi, hundreds and thousands of women and children, fleeing from your armies and desperadoes, hungry and with bleeding feet. In Memphis, Vicksburg and Mississippi, we fed thousands upon thousands of the families of rebel soldiers left on our hands, and whom we could not see starve. Now that war comes home to you, you feel very different—you deprecate its horrors, but did not feel them when you sent car loads of soldiers and ammunition, and moulded shells and shot, to carry war into Kentucky and Tennessee, and desolate the homes of hundreds and thousands of good people, who only asked to live in peace at their old homes, and under the Government of their inheritance. But these comparisons are idle. I want peace, and believe it only can be reached through Union and war, and I will ever conduct war purely with a view to perfect an early success.

“But, my dear sirs, when that peace does come you may call on me for anything. Then will I share with you the last cracker, and watch with you to shield your home and families

against danger from every quarter. Now, you must go, and take with you the old and feeble; feed and nurse them, and build for them in more quiet places proper habitations to shield them against the weather, until the mad passions of men cool down, and allow the Union and peace once more to settle on your old homes at Atlanta.

"Yours, in haste,

"W. T. SHERMAN, Major-General."

Does not that letter respond most aptly to the fervid appeal with which my friend closed his last address? The men who drew that letter from Gen. Sherman must have uttered just the appeal by which he attempted to induce you to consent to peace and separation, or peace even if it involved separation.

I am for sustaining Sherman. I am not in favor of an armistice and of giving back to the freebooting Confederacy, with which we were threatened, the fifteen guns that Ord took yesterday, or those that Birney may take in his march toward Richmond; for the news is that Grant has flanked Petersburg, and is again onward to Richmond. Richmond is part of my country; and I want to visit it when the star-lit flag again illuminates the dome of its Capitol. Now that we have got the issues involved in the war and coming election fairly stated and see that they are identical—now that you know my views and those of my friend as to the settlement of those issues, the time has come for me to answer his propositions and interrogatories.

To his first and second propositions he admits that I have replied. To the third, I made a partial reply; and at the risk of reiterating some of my remarks, I recur to it. It is this: "Whenever any department of government exercises any power beyond or antagonistic to the Constitution, it is revolution." I deny the proposition. Worcester defines a revolution to be "an extensive change in the political institutions of a country, accomplished in a short time, whether by legal or illegal means." Now, a single department of our government may perform an unconstitutional act that only one individual will feel; and that individual may, as I told you the other night, go into court and obtain redress. That would certainly not be a revolution. A President and his Cabinet might adopt a line of policy which a large number of men, even a majority of the people, would believe to be unconstitutional; and yet at the end of four years from his inauguration, the people could remove him, or they could impeach him through the two Houses of Congress. In either event, unconstitutional as his policy might be, it would not be a revolution. If the Southern members had remained in the House and the Senate, and Abraham Lincoln had done any unconstitutional act, they had the Senate so thoroughly, and so clear a working majority in the House, that they could have impeached him at any day during his Presidential term. It was only by their withdrawal that his friends obtained the control of Congress. As I have already said, our courts were established, and the power of impeachment provided, and elections ordered at brief intervals, to furnish certain remedies for any unconstitutional acts. We have, every two years, an election of Congressmen, and every four years an election of President, so as to enable the people to correct any error of that kind. Gen. Jackson removed the deposits from the Bank of the United States; and every member of that party of which my competitor was for a long time so distinguished an ornament—the old Whig party—howled that Gen. Jackson had violated the Constitution. Henry Clay, Webster, the Southern Whigs, the Western Whigs, all opposed that act as violative of the Constitution. I remember hearing David Crockett, George McDuffie, William C. Preston, and nearly a score of other members of that party speak at the Philadelphia Exchange, and denounce the unconstitutional acts of Andrew Jackson. Who says now that Andrew Jackson revolutionized the government? Will my friend say so? I would like to hear from him on that question. There was a disagreement as to what the Constitution meant, and it was executed as understood by those who were in power. It belonged to them to execute it, and they must be governed by their understanding—not that of others. Should McClellan be elected, the Democrats will construe it in the future "as in the past." That the people did not believe that Andrew Jackson had violated the Constitution is shown by the fact that they not only re-elected him, but elected Martin Van Buren, his nominee, to succeed him, whose pledge, made in his Inaugural, so satisfactory to the Democrats of the country, was that he would "tread in the footsteps of his illustrious predecessor."

To the Whigs of those days the acts of Jackson were unconstitutional, as those of Lincoln are to my friend and his brother Peace Democrats; but because the Whigs believed his policy to be unconstitutional, was it revolution? Will my friend tell you that it was? So of many acts and periods of our history to which I might refer you; but I select a very striking one. You can nowhere find in the Constitution (and I challenge my friend to point it out) authority given to the President of the United States to acquire territory without the consent of Congress or the people. Yet how did we acquire the Louisiana territory—comprising not only the State of Louisiana, but that magnificent territory sweeping northward from the Gulf to the Lake of the Woods, embracing in its amplitude Iowa and Minnesota as well as Louisiana and Mississippi? Did the people ever vote in favor of that measure? Did they elect a Congress to adopt it? No; the President of the United States, without authority, bought it from France, and agreed to pay \$15,000,000 for it. That President was not Abraham Lincoln; nor Wm.

Henry Harrison; nor either of the Adamsons. He was Thomas Jefferson, the founder and father of the Democratic party; and his greatest biographer says that "he violated the Constitution to save the country," because the occupation of the Louisiana territory by a foreign power would have involved us in perpetual war. The Government that held that territory had the power to control the commerce of the Mississippi. You know how effectually that commerce was stopped when Vicksburg and Port Hudson were in the hands of those whose sufferings so touch the tender sympathies of my distinguished competitor. There was that river, more than 50,000 miles long, with its great branches, draining an empire that may hold five hundred millions of people—one branch, the Ohio, taking its rise in the prolific mountains of our own dear Pennsylvania—others rising in each of the Northwestern States—others rising in the Southern border-States. More than fifty thousand miles of river, more than thirty thousand miles of which have already been navigated by steam, were, or might be, locked up by the possession of the Louisiana territory; and Thomas Jefferson, regardless of the restraints of the Constitution, having an opportunity to buy that territory, when Napoleon felt that by selling it he would aggrandize the future commercial rival of England, and supply himself with "the sinews of war," bought it for the American people; and so Thomas Jefferson became the benefactor of his country and of mankind by transcending the restraints of the Constitution. My distinguished friend would have you vote for him that he, in Congress, may vote to give the fairest and most important part of that same territory to a foreign Confederacy, and so again lock up the commerce of the Mississippi Valley and the Northwest! He now, by the terms of his proposition, denounces Jefferson's act as revolutionary.

I thus deny the gentleman's third proposition, and show that it is preposterous. You might as well say that, because one hob-nail has come out of your coarse boot, that it is, therefore, no longer a boot. This would be quite as logical as my friend's proposition and argument. As Thomas Jefferson saved the country by one act transcending the Constitution, so, in time of war, does it become the duty of the President to pursue a similar course, should the necessity arise. You have no right to set fire to a man's house, though you be the Mayor of the city, or though you be the Chief of the Fire Department, in consultation with the Mayor. You have no right to break open a man's door and go into his house; but there may arise a necessity which will justify you in blowing up the one or breaking into the other.

There is, as Douglas demonstrated, such a thing as a necessity. You see a house on fire. You discover it by the fact that smoke is pouring through several orifices. In the neighborhood is much inflammable matter—a board-yard, or a large number of frame buildings. You do not stop to ask who is the owner of the house, and to travel to a neighboring town or distant watering-place to obtain his consent to go in; but, regardless of the Constitution and the laws, you burst in the door, you enter and extinguish the fire. You take the risk of being sued for a violation of the law. Take another case. A large portion of the city is in flames in its most compact part. There are no steam fire engines. Your firemen are exhausted; your supply of water is giving out. There must be a wide space put between the flames and the remaining portion of the city. You have no right to blow up a man's house. There is great probability, but as the wind may change, not absolute certainty, that it will be burned. But you see that there is a probability of it so great that the law will justify you in carrying kegs of powder into the cellars and blowing up every house in a whole block, or two blocks, that you may save the remainder of the city. Not only may the Mayor or the Chief of the Fire Department do this, but private citizens. But with armed scoundrels burning our villages as they burned Chambersburg—with armed scoundrels fighting us on our own soil, as they fought us for three days at Gettysburg—my friend protests that he does not like the use of bayonets, and thinks that we had better put them aside, for fear that we may violate the Constitution and consummate a revolution. If you re-elect me to Congress again, may Heaven blast me if I vote to put aside the bayonet while one man bares his breast to it in antagonism to our country, its unity, Constitution and flag.

The next proposition of my friend is that "a successful revolution against the Constitution by those in power subverts the principles of our government, produces anarchy, and establishes a despotism." Now, that is a pretty hard proposition to answer, for I cannot discover whether it is transcendentalism, metaphysics, or nonsense, and am going to submit the question to you. "A successful revolution against the Constitution by those in power subverts the principles of our government." Why, certainly, a successful revolution overthrows the Constitution; and where do you find the principles of our government except in the Constitution? That is equivalent to saying that "to subvert the government is to subvert the government, and to make a revolution is to make a revolution." That is all that I can make out of it. "A successful revolution against the Constitution by those in power subverts the principles of our government." Certainly it does. Who disputes it? When I tell you that for the sun to rise is for the sun to go up, I do not raise a question for argument between us; and when my friend tells me that "a successful revolution subverts the Constitution," he tells me that the sun rises by going up. That is perfectly clear. I admit it. But then he adds, "produces anarchy and establishes a despotism." That is, if a thing is done, when done, it produces two conflicting results which cannot coexist. Where there is anarchy, there is not despotism, because despotism is the strong hand that suppresses anarchy; and where there is despotism

there is not anarchy, because there is despotism its antithesis. So I admit, first, that a thing is a thing, that a revolution is a revolution, that the subversion of the Constitution is the subversion of the Constitution; but I deny that it produces the two opposite results, anarchy and despotism. This is the answer I make to that proposition; and if that answer is not satisfactory, I will try it again, if the question is renewed with explanations of its meaning.

The gentleman's fifth proposition is, that "the theory of the equality of the negro with the white man is not a justifiable principle of revolution." I ask my friend whether I state his proposition correctly; I have it as the reporters took it down. [Mr. Northrop assented.] Now, for my life, I do not know what a "principle of revolution" is. I referred to the dictionary this afternoon, in order to ascertain. I know that a revolution is a turn, and I can understand that there may be spokes in that which may revolve; I can perceive the tire that revolves with a revolution. I can understand a revolutionary principle, a principle the adoption of which will produce revolution; and I can understand a cause of revolution; but, upon my word, I cannot understand the phrase "a principle of revolution." If, therefore, I fail to answer the proposition, I trust it may be renewed in a more definite form, so that I may answer it, for I wish to do so, and it is only because I am befogged by the phraseology that I do not in a way that would be more satisfactory to my friend. But let me, before leaving the subject, ask if the gentleman means to say that "the theory of the equality of the negro with the white man is not a justifiable *cause* of revolution"? If he does, I agree with him. I also assert that, under our Government, we can have no justifiable cause of revolution, because there are open courts, frequent elections, peaceable means of amending the Constitution, and the right to impeach every officer under the Government. I say, therefore, that nothing can give the citizens of this country the right of revolution. To the people under all other forms of government the right of revolution belongs, for they have not access to the courts in which laws of their own making are administered; they have not universal suffrage and frequent elections; they have not the right to impeach their kings, for the doctrine that lies at the foundation of royalty is that the king can do no wrong. Therefore the people under other forms of government have the right of revolution. No, neither the desire to promote negro equality, nor the desire to prevent negro equality, is a justifiable cause of revolution. My answer, then, to the fifth proposition is, that, if the gentleman means what he does not say, that the theory of negro equality is not a sufficient cause for revolution, I agree with him.

I have thus, as satisfactorily as I could, disposed of my friend's propositions. I have meant to do it candidly, and I hope I have done it thoroughly. Now come the questions.

The first question is, "Are you in favor of the restoration of the Union of these States with their rights and powers as they were at the breaking out of this rebellion?"

I begin by asking, what States? What States? Is South Carolina still a State in the Union? If she is, all that she has to do is to lay down her arms, convene her Legislature, elect two Senators, divide the State into Congressional Districts under the last census, and authorize her people to elect the number of Representatives to which she is entitled, and send them to Congress; and there will be an end of the question. If South Carolina and the rest of the rebellious States are not States of the Union, how did they get out? If they are out, they are out because their people are rebels and traitors, and they must be brought back; and I am not in favor of bringing all the old States back with "their rights and powers as they were at the breaking out of the rebellion," and of pledging myself to consent to no other method for the reconstruction of the Union. Treason is the highest crime known to human law; and a traitor is the worst of criminals. I am not, for instance, in favor of punishing the loyal and patriotic people of West Virginia to gratify the armed traitors of East Virginia. I am not in favor of surrendering Andrew Johnson, Horace Maynard, Parson Brownlow, and the patriotic citizens of East Tennessee to the tender mercies of the rebels in arms in the western part of that State. I am in favor of meting out to the traitors such punishment as shall give protection to the Southern men, who, in spite of James Buchanan's threat and the barbarous inhumanity of the rebel leaders, stood true to our country and our flag, and love that country and its institutions as we love them. No, I am not in favor of bringing those States back with all their rights as they existed before their people began this war. Shall we force Maryland, which has abolished slavery, to re-establish it. Shall we force the people of West Virginia and Missouri to catch the slaves they have liberated and reduce them again to bondage? Shall we force them to have slavery whether they will or not? Will my friend show how we can do it, and what clause of the Constitution provides for such a case?

Unless we can and will do all this, we cannot possibly restore the Union as it was, or bring the States back with what my friend considers all their rights. Mr. Jefferson Davis, the leader of his political school and party, would tell you that it was the right of Mississippi to have the Union so constructed that the Slave Power would always have a preponderating influence in both Houses of Congress. It is the theory my friend has accepted and defends. That is his theory, and that was John C. Calhoun's theory. With Maryland free by the choice of her people—with West Virginia free by the choice of her people—with Missouri free by the choice of her people—with new States created during these four years—we cannot, if we would, establish the Union as it was. I ask the gentleman are you in favor of setting the hand of time back four years? Have you the power of restoring to life the Pennsylvanians

who have died in defence of the Constitution of your country? Unless you are in favor of doing this, and can show how it may be done, your first question is as preposterous as your last proposition. You ask whether I am in favor of doing that which Omnipotence itself cannot do. The All-Powerful One may arrest the sun, but he cannot recall the last four years, and turn us, who are now getting to be old men, back into the vigor of life.

I am in favor of establishing a Union of American States under the Constitution; and whenever the people of Virginia, or any other State, will lay down their arms and present themselves with a State Constitution to Congress, I shall be prepared to vote upon the question. The constitution of Virginia is gone. The people met in Convention and abolished it. The ligaments that bound them to the United States Government were their Senators, their members of Congress, the Judges of the District Court of the United States, their United States custom officers, postmasters, and marshals; and the State of Virginia turned these all out. For four years, she has not elected Senators or Representatives to the Congress at Washington, but has elected both Senators and Representatives to the Congress at Richmond. She has expelled from her limits the Judiciary of the United States. Though Abraham Lincoln, in his inaugural, promised that the mails would be sent there as long as she would receive them, she has not permitted the receipt of the United States mails within her limits. She has abolished the State of Virginia which Washington helped to form. When her people, tired of the war, resume their peaceful avocations, adopt a Constitution providing for the election of Senators and Representatives to the Congress of the United States and ask the United States Government again to put her in a judicial district, and to establish custom houses and post offices within her limits, I shall be ready to vote to admit her. She cannot come back with slavery, not because I say so, but because her people hold no slaves. Abraham Lincoln, by his proclamation, has enfranchised the slaves, and called them to our banner to sustain our country, on the ensanguined field of battle. I admit here, with the gentleman, that it will be a question for the courts of the United States to decide, whether that proclamation makes them free or not. But in the meanwhile, they are learning to read and write; they are acquiring the habits of freemen; they are learning to use arms; and the slave that can read and write is more dangerous than the slave that can shoot. It is mental, not muscular power, that exalts the slave into the freeman. Our Philadelphia Quakers, in organizing schools in Northern Virginia, and at Norfolk, and wherever our victorious armies establish a post, are making the re-enslavement of those laboring people an impossibility under the providence of God.

I take up now the gentleman's third question, instead of the second, so that he may reply to me this evening. That question is in these words: "Do you approve of the twenty-three acts of Congress, each having for its object the *declared purpose of giving to the negro all the rights, immunities, and privileges* heretofore enjoyed by the white man only?" I answer by saying that no such act has been passed. I answer by saying that if such an act had been presented to Congress of the United States it would have been rejected as ridiculously absurd. The question as to who shall be citizens belongs to the State, and not to the United States government. In Massachusetts the negro is a citizen. In Pennsylvania he was a citizen and had the right to vote until 1838, when in the Convention to amend the Constitution the word "white" was (on motion of Mr. Benjamin Martin, from the first district of Philadelphia) inserted in the clause prescribing the qualifications of voters, so as to make it read "every *white* freeman." Our State Convention does not deny citizenship to the negro, but it restricts the privilege of voting to the free white citizens. So the State of New York allows part of her colored people to vote, and denies suffrage to the remainder; that is, every colored man who is a freeholder to the amount of \$250 has the right to vote. An act of Congress proposing to prescribe who should vote and who should not vote in any State of the Union, would be ridiculed from the doors of the room of the Judiciary Committee. The man who would introduce into Congress such a bill would be laughed at with a universal and loud guffaw; for Congress has no more to do with this subject than the British Parliament or the French Senate. I therefore ask the gentleman to point to any one such act as his question describes, and I will give him a couple of minutes of my hour, to enable him to vindicate it when he should have looked over his digest and found it.

Mr. Northrop followed in a speech of one hour and a half.

Judge Kelley replied thus—A very distinguished clergyman once said, "I can never paint a great scoundrel in any of my sermons, but, at the close of it, some fool jumps up and says, 'He means me.'" Because the supporters of the Administration, in procession, carried a banner with the maxim, "A free ballot for loyal men, and a free fight with traitors," the gentleman and his friends jump up and say, "that means us; and therefore," say they, "These Sons of Liberty in Indiana, whose Grand Commander is to command the military forces of all the States when in actual service, were organized." Thus they understand the sentiment—a free ballot for the men of the North, and a free fight with the traitors who burned Chambersburg and fought us at Gettysburg. Must the gentleman and his friends assume that they are aimed at whenever the word "traitor" is uttered?

I have a little cause to complain of the gentleman, that he will not listen to me. The other evening he denied that I had answered his third proposition, or said anything about it; yet

the report made by the gentleman who sits at the table has shown that I had answered it somewhat elaborately. He says now that I have looked at the dictionary to find that a revolution means the turn of a wheel. I treated his propositions with more respect than that. I said that Worcester defined a political revolution as "an extensive change in the political organization of a country, accomplished in a short time, whether by legal or by illegal means." I read that definition which contains nothing about a wheel. I did not say that I had derived the idea of a wheel from a dictionary. I spoke of seeing a tire make a revolution with the wheel that it bound together.

These are but trivial complaints—not half so grave as those which we have sometimes made against each other at the bar, when we have parted good friends, or left the Court-room to eat a steak together. Our differences are all political.

I again recur to the gentleman's interrogatory which I was discussing when I took my seat, and which he has undertaken to vindicate by an appeal to a law book. That interrogatory is in these words: "Do you approve of any or all of the twenty-three acts of Congress, *each* having for *its* object the declared purpose of giving to the negro all the rights, immunities, and privileges which have hitherto been enjoyed by the white man only?" The proposition does not state that those acts give to the negro some of the immunities and privileges of the white man, as my friend has argued. It states as a fact that Congress has passed twenty-three acts, each of which has for *its declared purpose* the giving to the negro "all the rights, privileges, and immunities hitherto enjoyed by the white man only." I renew my challenge to the gentleman to point to one such act. I say boldly that he cannot do so, for none such exists; and I say that the assertion contained in that question is utterly incorrect, and without foundation. There is the statute-book; let the gentleman point to the first of them.

The gentleman referred to three acts, and, in God's name, I ask him whether he objects to any one of them. The rebel masters of more than a million of slaves have run away and left them in the ignorance and poverty to which their inhumanity had doomed them! The man, woman, or child who had under their infernal code attempted to teach one of the slaves to read the Lord's Prayer would have been liable, in every one of the slave States, to imprisonment as a felon. They have never been allowed to own a dollar's worth of property. Without knowing one letter or figure from another, without having a change of clothing, having been trained by their masters to the most menial occupations only, they are turned adrift upon the world by the war made by the rebels upon the best government with which God ever blessed man. And in proof of the fact that there are twenty-three acts of Congress giving to the negro all the rights which the white man has heretofore possessed, the gentleman points to an act incorporating a body of white men and women into an association for the relief of destitute women and children! Good God! is it a crime to relieve the sons and daughters of slave owners, because they were not born in wedlock and were begotten of black women? Is it a crime before God or man, in this America of ours, to charter benevolent people to take care of poor old women and children, and is that investing the negro with "all the rights, privileges and immunities heretofore enjoyed by the white man only"? Where, where, sir [addressing Mr. Northrop], is that Christianity to which you have so often appealed—the religion of the Prince of Peace, of whom you have spoken? Where dwells his influence in your heart, when you can censure those who, finding destitute, ignorant, stricken women and children, friendless, homeless, and without a guide, charter a few good people to care for them in their misery and give them guidance for the future? I did vote for that act; and may God grant that you and your party may not have the power to repeal it, and cast those stricken ones again upon the world!

The second act to which the gentleman referred, was to incorporate an association to educate colored youth! As I heard the gentleman denounce that act, I remembered a visit which I once made to your county prison, when I was, by virtue of my position, an official visitor. I was accompanied by three ladies, one of whom was Mrs. Tyndale, then the chief of the china store in Chestnut street, above seventh. When we stood before one of the cell doors a large negro came to it, who, after looking at the ladies, turned on me and said: "Mr. Kelley, you oughtn't to have convicted me for stealing that coat. I didn't steal it." "Yes, you did," replied I, "or the jury would not have convicted you." "No, sir," he answered, "I didn't steal that coat." "Well," said I, "satisfy me of that, and I will appeal to Governor Shunk, and get you a pardon." For I then held office under that Democratic Governor, and enjoyed his confidence. We were both staunch Wilmot Proviso men, and in favor of restricting slavery within its Constitutional limits. The Democratic party had not yet fallen down before the false god of human slavery, a system of labor without wages. "I don't want to be pardoned," said the negro. "Why, have you no wife?" asked Mrs. Tyndale. "Yes ma'm, I have a wife." "Have you children?" "Yes, ma'm, two; and I love my wife and children just as well as Mr. Kelley loves his." "How long have you to stay here?" "Nine months more, ma'm." "And yet you don't want a pardon! I cannot understand it." "No ma'm, I don't want a pardon, and I will show you why." He ran across his cell, and picking up a blue-covered book of about twenty-four pages, he brought it to the door of his cell. "There, ma'm," said he, is the reason why I don't want to go out. When I come in here, I didn't know one letter from another; and now I can read all the way through that book

every word of it; I can read a newspaper when a gemman gives me one. To-day, Mr. Woolston (the moral instructor) is going to bring me a new book. In nine months more I can write and cipher some; and when I go out I can read the names on the signs, and I can read what is on the letters and bundles, and I can make an honest living for my wife and children as a porter. I couldn't do that before, because I just come out of slavery, and didn't know one letter." Then turning to me with a smile that made the negro's face almost beautiful, he said, "Mr. Kelley, I did steal that coat; but with reading and writing, and being able to earn an honest living, I trust to God I'll never steal another coat."

Yet the gentleman has denounced us for having incorporated an association of white men to educate colored youth! I ask the gentleman whether we were not blessing our country by aiding to give the simple power of elementary knowledge to four millions of our people, or so many of them as might come within the influence of such associations. Is ignorance a blessing to our country? If it is, my Democratic laboring man, why do you send your children to school? Are the ignorant and the depraved and those who are shut out from intellectual enjoyments and employment good citizens? Is it not such, whether white or black, that swarm into your alms-houses and jails? Were we not, then, when we incorporated an association to educate the poor youth of the District of Columbia, doing a service to civilization and exalting the character of the American people? If you want a black servant, is it not better that he should be able to read and write, that he may carry your parcels correctly—that he may, as that poor fellow in jail said: "Read the signs over the doors and upon the street corners?" Yet an act by which white men are authorized to teach colored boys to read is denounced by the gentleman as one of the Lincoln outrages upon the Constitution.

My friend referred to a third act—and when he got to that he staggered. Devoted as he is to his party, he said to himself, "My God! this won't do, this is proclaiming our inhumanity too plainly," and shut up the book and left the other twenty acts behind. The third act to which he objected was "An act to incorporate the St. Ann's Infant Society." If the gentleman and his party get into power, I suppose they will let the infants die in the street and the gutter, and not allow them to go into the institution of the St. Ann's Society, where they may be cared for.

These are the three horribly criminal enactments which the gentleman recites to prove that we have passed twenty-three acts designed to confer on the negro "all the rights, privileges, and immunities hitherto enjoyed by the white man only." Oh, my honest Democratic friend, let me tell you this is the way in which your leaders are deceiving and humbugging you. They attempt to make you believe that when we speak of the traitors of the South, we mean you; that when we make provision for orphan and destitute infancy and childhood, we are trying to reduce you to an equality with the Southern slave. Think of these things, think of them prayerfully. Reason with yourselves as to what is your duty to your country and to mankind. Remember that in the veins of these poor negroes flows the very best blood of the white men of the South. Remember that 81 per cent. of the free negroes of Louisiana have white blood in their veins. Remember that 78 per cent. of the free negroes of Alabama have white blood in their veins. Remember that more than one out of every ten of the four million Southern slaves has had a white father, if not a white grandfather. The Yankees from New England have not gone down there to spend a night in injecting that white blood into their veins. It has been the slaveholder, and the overseer, and the distinguished Democratic visitor to the head of the plantation that have done it. Remember that that eminent Virginia Democrat, but whilom leader of the New York Democracy, John A. Andrews, who seconded Seymour's motion to his "friends" in the midst of the riot, was, when arrested by the officers of the law, to be conveyed to Fort Lafayette, wrenched from the embrace of a negro woman with whom he was living, while his white wife and their children, abandoned by him, lived elsewhere.

My friend's question which I was considering was this: "Do you approve of any or all of the twenty-three acts of Congress, each having for its object the declared purpose of giving to the negro all the rights, immunities, and privileges which have heretofore been enjoyed by the white man only?" I say to him again, show me the first act of the kind described, or withdraw your assertion. Admit your mistake, or let me prove it. I voted for every act that the Lincoln party passed, and if you can show one of them that goes as far as you allege, hold me responsible for it. I went to Congress determined to sustain the government, and I voted for every act that a majority of its friends adopted; and in so far I am responsible for all those acts which go to ameliorate the condition of the negroes, abandoned by their masters, and all those who, under our flag, are helping us fight the rebels who involved us in war by invading our country. There are 200,000 stalwart negroes fighting our battles. I voted to enlist them; I voted to equip them; I voted to pay them; and I do not see now, my fellow citizens, that it is not better for each of you that those colored men should be there fighting than that you should be. I do not see why you, a young man, should be dragged from your home, your profitable employment, and the girl of your heart, to save the rebel's slave from death. I do not see, father, why you should surrender your son, when there is a stalwart negro, now digging and ploughing for the rebellion, who is willing to take his musket and fight to save your son's life and our country. Yes, I voted to put the negroes under arms: I voted to pay and clothe them. I voted for orphans' asylums and for infants' homes, and for

schools for youth, that history might not point at us as a nation who had used a race of men to fight our battles, and permitted their neglected wives and children to starve or freeze to death upon the public highway.

The second question is in these words: "Do you regard as constitutional, and do you approve of, the exercise of the military and civil power of the Federal Government, to create and establish new States out of parts of the old ones?"

The military power has never been so used. The military power has never been so attempted to be used. When the people of any large body of territory—large enough for a State, and having on it sufficient population for a State—determine to come back into the Union, I do believe in allowing them to organize a State government, to elect United States Senators and Representatives in the usual mode; and if there should come before the next Congress a State made up of a part of South Carolina, a part of Georgia, a part of North Carolina, and if it were possible, a part of Virginia, embracing territory upon which there were half a million of people living, who had succeeded in establishing their freedom from the rebellion, as the people of West Virginia have done—if such a body of people thus situated should come and ask us to accept them as a State and accept their constitution as a constitution, I would vote for the admission of that State. I would not say to the people who lived in that part of South Carolina, "No, you must go back and enjoy the tender mercies of your old masters, the tyrants of South Carolina." I would not say to the people of the other States, "No, we won't take you until you can coax all the rebels to come in." I am for reconstructing just as rapidly as possible, until we get the whole territory that belongs to us covered by States—States made up of loyal men, who will stand by the flag, the Constitution and the unity of the country; and I will not, to gratify a few aristocratic South Carolinians, or Virginians, or Mississippians, say to five hundred thousand people, "No; you are the slaves of those rebels; and for fear of offending them we will not recognize you." I will not do it, sir, and I do not believe that the people of the Fourth District would approve of the act of their representative who might do it.

I am for reconstruction by the free volition of the people, and I care not whether they maintain old State lines or make new ones; whenever the people want to come back, lay down their arms, organize a State Government, adopt a Constitution, elect Senators and Representatives to the Congress of the United States, invite us to send our custom system and our postal system into their territory, I am in favor of readmitting them; and God send that at the next session all of them may come back in that way! And if Grant goes on as he has been doing, if Sheridan goes on as he has been doing, if Sherman goes on as in the letter I have read to-night he declares his purpose to do, I believe, so help me God, that before the next session of Congress rises more than half of the rebel territory will be organizing for peaceful reconstruction. The only hope that is sustaining the rebels is a pledge that, if McClellan be elected, they are to have, for a period of months or a year, what McClellan gave Lee's army at Antietam—an armistice. When the sun went down, Lee was whipped, and in a position from which he could not escape. Fitz John Porter's corps of thirty thousand men had not fired a gun; their ammunition was intact; no one of them was wearied by a day's fighting; and had that corps been brought into action, Lee's whole army must have surrendered. But the General at the head of our forces gave them an armistice for twenty-four hours; and when he came to look for them at the end of that time, they were like that flea of which my friend spoke—they were not there. They had gone. Yes, the only hope that the rebels have sustaining them in this hour of trial is that McClellan may be elected, that his partisans may be elected to Congress in October, and that then, as the leaders promised Lord Lyons more than two years ago, there will be an armistice, which is equivalent to the recognition of the independence of the Southern Confederacy.

Under certain circumstances, I say, I do approve of the exercise of the civil power of the Federal Government to admit into the Union States established by the people out of part of the territory of any one State, or part of the territory of several States. The military power has never attempted to organize a State, and I therefore protest against that clause of the question that contains such an assertion.

The fourth question is in these words: "Are you prepared to declare yourself in favor of the military power as superior to the civil power, on the plea of military or any other necessity?"

I have already answered that question very fully. I am unwilling, except in cases of necessity, to supplant the civil by the military power. Where the civil power is adequate to meet the difficulty, I am in favor of meeting the difficulty by the civil power. But I remember that Washington suspended the civil power over and over and over again. I remember that, by his authority, many of the most distinguished people of Philadelphia were sent seventy miles into the interior (not by railroad), because they were believed to be in sympathy with Great Britain. Washington suspended the *habeas corpus*, and suspended civil rights time and time and time again; and he expelled from Philadelphia, sending them seventy miles into the interior, the grandfathers of some of the leading Peace Democrats of to-day, because they were peace men in that day, and wanted to go back into subjection to the British Government. Jackson, as I have shown you, suspended the civil power. Douglas defended

that act, and I will make no argument in its defence. I will simply urge you to read the thrilling sentences of Douglas in the remarks which I addressed to you, the other night, and which are now in pamphlet. There has never been a patriot in a country involved in war, who did not believe that, under "necessity," the civil power must at times be suspended.

The gentleman did not give me any additional light on his proposition in reference to "revolution." He says that resistance to the Government is revolution. I tell him that resistance to the Government is rebellion, and it never becomes revolution until the Government is overturned. Revolution means going round; and, until a rebellion is successful, it is rebellion, and not revolution.

"Treason never prospers. What's the reason?

Whene'er it prospers, none dare call it treason."

When it prospers it is revolution; and, until it does prosper, it is rebellion. With a rebellion we are fighting; and that rebellion, if we want peace, honorable and lasting peace, we must crush.

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